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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,972	01/29/2004	Brian T. Denton	BUR920040010US1	1971
29154	7590	01/25/2008		
FREDERICK W. GIBB, III Gibb & Rahman, LLC 2568-A RIVA ROAD SUITE 304 ANNAPOLIS, MD 21401			EXAMINER JEAN, FRANTZ B	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 01/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.		Applicant(s)	
	10/707,972		DENTON ET AL.	
	Examiner		Art Unit	
	Frantz B. Jean		2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 12 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/29, 2/20/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to an application for patent filed on 1/24/04. Claims 1-20 are presented for examination.

Specification

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

The abstract has exceeded 150 words. Correction is requested.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 01/29/04 and 2/20/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 13-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shekar et al. (hereinafter Shekar US PUB No. 2003/0208392 A1).

As per claim 1, Shekar teaches a method for determining a production plan (see title and abstract) comprising: creating a constraint (abstract, planning data and rules) which proportionally shares limited resources among competing demands of equal priority (par 0053); and applying said constraint using a linear program to create a production plan (par 0048; a supply chain is set up).

As per claim 2, Shekar teaches a method of claim 1, further comprising creating an objective function coefficient which encourages proportional sharing of said limited resources through penalties (0053; par 0096-0112).

As per claim 3, Shekar teaches a method of claim 1, further comprising creating a constraint and objective function which penalizes the largest percentage of cumulative demand backordered of demand elements in a user specified set (0053; par 0096-0112).

As per claim 4, Shekar teaches a method of claim 1, wherein said applying process provides proportional sharing across multiple levels of a bill of materials supply chain (0053; par 0096-0112).

As per claim 5, Shekar teaches the method of claim 1, further comprising classifying said demands into sets based on at least one of demand family hierarchy and demand priorities (0053; par 0096-0112).

As per claim 6, Shekar teaches a method of claim 1, wherein said applying process provides proportional sharing that considers multiple demands made on a single resource (0053; par 0096-0112).

As per claim 7, Shekar teaches a method of claim 1, wherein, if during said allocating process the supply of a resource cannot satisfy a cumulative demand, said resource is allocated proportionally among all demands that contribute to said cumulative demand (0053; par 0096-0112).

As per claim 8, Shekar teaches a method of allocating resources among competing demands in a linear programming production planning system (see abstract), said method comprising: classifying said demands into fair share sets (0053), wherein all demands within each fair share set have the same priority; calculating the cumulative demand for each resource within each fair share set; and allocating said resources to said fair share sets in order of fair share set priority, wherein, if during said allocating process the supply of a given resource cannot satisfy a given cumulative demand of a given fair share set, said given resource is allocated proportionally among all demands

that contribute to said given cumulative demand within said given fair share set (0053; par 0096-0112).

As per claim 9, Shekar teaches method in claim 8, wherein said process of calculating cumulative demand is time period dependent (0053; par 0096-0112).

As per claim 10, Shekar teaches a method in claim 8, wherein said classifying process considers demand family hierarchy relationships (0053; par 0096-0112).

As per claim 11, Shekar teaches a method in claim 8, wherein said allocating process comprises a linear program that simultaneously allocates multiple resources to multiple demands (0053; par 0096-0112).

As per claim 13, Shekar teaches a method in claim 8, wherein said fair share sets identify parts, priority level, locations, and timing information (0053; par 0096-0112).

As per claim 14, Shekar teaches a method in claim 1, wherein during said allocating process, higher priority fair share sets are fully satisfied with a resource before lower priority fair share sets receive any of said resource (0053; par 0096-0112).

Claims 15-18 and 20 are a program storage device readable by a machine of the method claims 8-11 and 13-14 above. They contain the same limitations. Therefore, they are rejected under the same rationale.

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Claims 12 and 19 are objected to as being dependent upon a rejected base claims 8 and 15, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frantz Jean

A handwritten signature in black ink, appearing to read "Frantz", with a long horizontal stroke extending to the right.